

1 THE HONORABLE BENJAMIN H. SETTLE  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MADELEINE GARZA, an individual,                          } Case No. 3:18-cv-05106-BHS  
11    }  
12    Plaintiff,    }  
13    v.    }  
14 NATIONAL RAILROAD PASSENGER                              ) DECLARATION OF SHANE TUFFY  
15 CORPORATION d/b/a AMTRAK,                                    ) IN SUPPORT OF MOTION FOR  
16    ) SUMMARY JUDGMENT ON  
17    ) PUNITIVE DAMAGES AND  
18    ) CONSUMER PROTECTION ACT  
19    ) CLAIM  
20    Defendant.    )  
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22 I, Shane Tuffy, declare the following to be true:

23 1. I am the Director of Operating Practices for the National Railroad Passenger  
24 Corporation (“Amtrak”). I am of legal age, am competent to testify and make this declaration  
25 from my own personal knowledge.

26 2. Prior to starting as the Director of Operating Practices in July 2017, I was the  
27 Senior Manager of Operating Practices.

28 3. Attached hereto as Exhibit 1 is a true and correct copy of an email I received from  
29 Al Walton on November 14, 2017, and the attachment thereto. I did not open the email attached  
30 hereto as Exhibit 1 prior to the derailment on December 18, 2017. Amtrak regularly posted  
31 schedule changes on our intranet site that were forwarded from Mr. Walton, so, I believed this  
32 email indicated a schedule change rather than implementation of new service.

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4. Attached hereto as Exhibit 2 is a true and correct copy of an email I received from Terry Spratt on December 4, 2017. I did not review the contents of the email attached hereto as Exhibit 2 prior to the derailment on December 18, 2017 because the subject line of the email indicated that the email pertained to a schedule change not a new route implementation.

5. I was not involved with any of the planning of the Point Defiance Bypass service nor was any material sent to me for my approval or review as all of that was handled locally.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 31 day of July, 2019, in Wilmington, DE, Philadelphia, Pennsylvania

  
Shane Tuffy

**CERTIFICATE OF SERVICE**

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 31st day of July, 2019, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

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Executed on the 31st day of July, 2019, at Seattle, Washington.

s/ Alisa R. Flabel  
Alisa R. Flabel